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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/046,834

01/15/2002

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11195-37

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04/15/2008

EXAMINER

OYEBISI, OJO O

ART UNIT

PAPER NUMBER

3696

MAIL DATE

DELIVERY MODE

04/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

In the amendment filed on 12/26/07, the following have occurred: claims: 1, 6, 16, 19 and 20 have been amended.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz et al (US PAT: 6,587,835) in view of Linehan (US PAT: 6,327,578).

Re claims 1-5, 12, 13, 14. Treyz discloses a payment system between a customer and a merchant that facilitates a private and secure payment transaction to the merchant comprising: a third party central system; a portable wireless communication device that connects to a global computer network; a merchant sales terminal; and a terminal identification tag with a display terminal identification; the central system, the portable

wireless device and the merchant terminal on a global computer network (see col.17 line 60-col.18 line 45, see fig.10 and fig.14). Treyz does not explicitly disclose the central system pre-stores customer bankcard data, merchant terminal identification data, and is interfaced to directly by the wireless device communicating the merchant terminal identification data and a payment amount, bypassing the merchant sale terminal from receiving the customer bank card data for a payment transaction, the central system uses the terminal identification data to forward a payment authorization notification to the merchant sales terminal. However, Linehan discloses the central system pre-stores customer bankcard data, merchant terminal identification data (i.e., issuer gateway, see col.4 line 24) and is interfaced to directly communicate the merchant terminal identification data and a payment amount, bypassing the merchant sale terminal from receiving the customer bank card data for a payment transaction, the central system uses the terminal identification data to forward a payment authorization notification to the merchant sales terminal (see col.4 lines 10-65, see fig.3). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Treyz and Linehan to improve the overall performance in the payment process and to guarantee payment security.

Re claim 9. Treyz further discloses, wherein the wireless device identification is a combination of a pre-programmed identification code and a customer entered card personal identification number (CPIN) (see col.18 lines 40-45).

Re claims 10, 11. Treyz further discloses, wherein the customer having a plurality of pre-stored account data in the central system, the customer entering the CPIN into the

wireless device, identifying a specific account data to be used for a payment transaction (see fig.57, also see col.40 line 65-col.41 line 10, see col.17 line 60-col.18 line 15).

Re claim 15. Treyz further discloses, wherein, the central system maintaining a transaction database cataloging each payment transaction by a transaction reference, date, time, an authorization reference, payment amount, customer identification and merchant identification (i.e., financial transaction records, see col.66 lines 8-36).

3. Claims **6-7, 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz in view of Linehan, as applied to claim 1 supra, and further in view Lawlor.

Re claims 6-7, 8. Neither Treyz nor Linehan discloses, wherein the central system assembles a payment transaction record, including customer pre-stored bank account data, and submits the payment transaction record to an automated clearing house (ACH), and receives a payment authorization record and subsequently the central system sends the payment authorization record to the merchant display terminal using the terminal identification as a uniform resource locator over the global computer network. However, Lawlor makes this disclosure (i.e., After payment authorization is received from the bank (through the ATM interchange), the bill payment enters the central processor 52 from the terminal, and a series of log and transaction files are updated by the POS and bill payer modules. The payee/vendor information file is accessed to determine his status, electronic or paper payment, the appropriate address is obtained from the address verification file and particular payment information is obtained from the payments descriptor file. If the payment is scheduled for today, it is routed to the appropriate exchange (ACH) or routed to other direct

electronic transmitted or remittance tape for delivery to the payee. Provisions are also made to aggregate and time payments (from multiple terminal users) to a single payee. If the payment cannot be made by electronic means, a paper check must be cut and mailed. In cases where multiple payments can be made to a single payee, a (single) "check and list" (of payor information) is forwarded. A reference number is created for each electronic or paper payment (this reference number is used for terminal user and payee servicing, see col.33 lines 50-67, see col.34 lines 5-65, also see col.53 lines 1-50). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Treyz, Linehan and Lawlor for immediate settlement of financial transactions that transpire between the payor and the merchant.

4. **Claims 16-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz in view Linehan, as applied to claim 1 supra, further in view of Foth (US PAT: 6,941,286).

Re claims 16-20. Neither Treyz nor Linehan discloses, further comprising a merchant refund terminal on the global computer network, wherein the merchant entering into the refund terminal a refund record, including at-least the payment transaction reference from a previous payment transaction, the merchant identification, a refund authorizing password, a refund amount, and sending the refund record to the central system. However, Foth discloses further comprising a merchant refund terminal (i.e., post office) on the global computer network (see fig.1), wherein the merchant entering into the refund terminal a refund record, including at-least the payment transaction reference

from a previous payment transaction, the merchant identification, a refund authorizing password, a refund amount, and sending the refund record to the central system. (see fig.3, also see col.4 line 22-col.5 line 50, also see the summary of the invention). Thus it would have been obvious to one of ordinary skill in the art to combine Treyz, Linehan and Foth in order to facilitate a refund for a disputed transaction between trading parties.

Response to Arguments

Applicant's arguments filed 12/26/07 have been fully considered but they are not persuasive. The applicant argues in substance that neither Treyz nor Linehan discloses the limitation "the central system pre-stores customer bankcard data, merchant terminal identification data." The examiner contends that while Treyz fails to explicitly disclose "the central system pre-stores customer bankcard data, merchant terminal identification data," Linehan compensates for the incomplete teaching of Treyz by explicitly teaching "the central system pre-stores customer bankcard data, merchant terminal identification data" (i.e., issuer gateway, see col.4 line 24, also see fig.3 elements 308 and 310). The applicant further argues that the issuer gateway taught by Linehan is not a central system disclosed by the applicant. The examiner contends that the issuer gateway, taught by Linehan, is an independent gateway system that handles the credit/debit card authentication/authorization function outside of the merchant's system. The issuer's gateway, taught by Linehan, performs the same function as the central system disclosed by the applicant, and thus is akin to the central system disclosed by the applicant.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571)272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571)272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/
Primary Examiner, Art Unit 3696

o.o

<i>Application Number</i> 	Application/Control No.	Applicant(s)/Patent under Reexamination	
	10/046,834	SINGHAL, TARA CHAND	
	Examiner	Art Unit	
	OJO O. OYEBISI	3696	